

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

455 Golden Gate Avenue, Suite 10600 • San Francisco, California 94102 (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

May 23, 2014

TO: Commissioners, Alternates, Advisory Board members and Designated Staff
FROM: Lawrence J. Goldzband, Executive Director (415/352-3653 lgoldzband@bcdc.ca.gov)
John Bowers, Staff Counsel (415/352-3610 jbowers@bcdc.ca.gov)
SUBJECT: Ethics Training

California law (Gov. Code §§ 11146-11146.4) requires all members of the Commission, Design Review Board, Engineering Criteria Review Board, Alternates and designated staff to complete ethics training for state officials **within six months** of assuming office. Thereafter, training must be completed **once every two years**, beginning with the first odd-numbered year after assuming office. Therefore, those who assumed office before January 1, 2013 must complete ethics training by December 31, 2014. In addition, in a letter dated May 7, 2014, a copy of which is attached hereto as Attachment 1, the Natural Resources Agency has asked that state officials who have not taken the state ethics training course within the past 24 months, i.e., since May of 2012, do so by June 10, 2014. California law also requires the Commission to keep records of those who take the training for public inspection.

To comply with state ethics training requirements, all Commissioners, Alternates, Advisory Board members and designated staff must take a two-hour training course entitled "Ethics Orientation for State Officials," available on the internet at www.oag.ca.gov/ethics/course. When you take the internet course, please complete the form at the end of the course and return a copy to Reggie Abad at BCDC. Also, please keep a copy of the certification form for your own records.

More information is available at <http://oag.ca.gov/publications#conflict>.

Everyone who takes the training must also review the Commission's Statement of Incompatible Activities (Attachment 2). These requirements apply to Commissioners, Alternates, Advisory Board members as well as staff under Gov. Code § 19990. A Certificate of Completion (Attachment 3) also must be signed and submitted to Mr. Abad at BCDC.

Please be advised that pursuant to Gov. Code § 11146.4(a) Commissioners may use equivalent **state agency** ethics training for another state agency or the legislature to satisfy BCDC's ethics training requirements. However, ethics training for **local government** officials does not satisfy state agency ethics training requirements. Therefore, Commissioners, Alternates or Advisory Board members who have taken ethics training for local government officials must also take ethics training for state officials for BCDC. In addition, in its letter the Natural Resources Agency requests that Commissioners who take both state and local government ethics training submit their local government training course certificate of completion to the BCDC for record keeping purposes.

If you have any questions regarding the ethics training requirement discussed in this memo, please contact John Bowers.



Making San Francisco Bay Better



EDMUND G. BROWN JR., Governor
JOHN LAIRD, Secretary for Natural Resources

May 7, 2014

Larry Goldzband, Executive Director
San Francisco Bay Conservation & Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

Re: Request for Confirmation of Mandatory State Trainings

Dear Executive Director Goldzband,

The California Natural Resources Agency is asking that you confirm the following required trainings have been completed as required by your staff and Board, or will be no later than **June 10th, 2014:**

- 1) **State Ethics Training for Board Members and for all other Officials:** California law requires state officials to complete an ethics training course within six months of their hiring, and every two years thereafter. To help state officials meet this requirement, the Attorney General's Office and the Fair Political Practices Commission have developed the State Officials - Ethics Training Course. The Course can be located here: <https://oag.ca.gov/ethics/course> If they have not already taken it, and for purposes of best management practices, your Form 700 filing officer should send out notices to those required to take the training, and ask that they provide a copy of their completion certificate for your entity's records by June 10th.
- 2) **Local Ethics Training for Board Members and Officials:** If a local agency provides any type of compensation, salary, or stipend to, *or reimburses the expenses of a member of its 'legislative body'* (as that term is defined in California Government Code Section 54952), that local agency's officials must receive training in ethics. This means anyone sitting on a joint powers authority board, a port authority board, or a local council, board commission or entity as part of their duties as a state official must take local ethics training. The course is free and can be found at the following link. <http://www.fppc.ca.gov/index.php?id=477> Once again, it is prudent to collect copies of completion certificates by June 10th if affected staff have not already done this training.
- 3) **Mandatory Supervisor Training for Supervisors:** Government Code 19995.4 requires 80 hours of mandated supervisory training for all employees working in a supervisory capacity. CalHR has provided policy guidance and direction on both low cost and free options for fulfilling this requirement (see the links following this description), however for supervisors new to state service it is strongly recommended by the Natural Resources

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Agency that they take an interactive course with paid instruction. It should be noted, this training includes a required two hour discussion on sexual harassment.

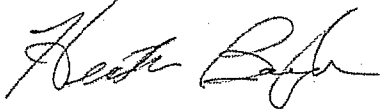
<http://www.calhr.ca.gov/Training/Pages/supervisors-training.aspx>

<http://www.calhr.ca.gov/Training/Pages/index-free-training-for-managers-and-supervisors.aspx>

- 4) **Sexual Harassment Training for Board Members and Supervisors:** Government Code section 12950.1 requires sexual harassment training by supervisors and officials upon acceptance of new employment. All affected employees are required to refresh this training every two years. If you pay for your supervisors to take the recommended mandatory supervisor training course through CalHR, the initial requirement will be fulfilled for supervisors. Free or low cost options for board members subject to the training, and for refreshing this training can again be found on the CalHR website at: <http://www.calhr.ca.gov/Training/Pages/index-free-training-for-managers-and-supervisors.aspx>
- 5) **Upward Mobility and Other Required Job-Specific Trainings for Staff:** In addition to the trainings listed above, CalHR and the State Administrative Manual have identified a number of job-specific trainings that may be relevant to your entity. For example, low-level employees in some bargaining units are entitled to assistance with upward mobility and career training, but may not know how to initiate a request for this assistance. It is recommended your supervisors be proactive in offering such training and opportunity to staff subject to this benefit. For this and other required job-specific trainings (defensive driving, employee development for IT, etc.), you can start at the CalHR website for programs and course: http://www.statetraining.ca.gov/training_req_regs_laws.html

Thank you in advance for your cooperation in confirming these important trainings have been done by both your Board members and the employees in your charge, or will be done when it's appropriate. If you find you are having trouble complying with any of these requirements or getting your staff to comply, please don't hesitate to contact me.

Sincerely,



Heather Baugh,
Assistant General Counsel

INCOMPATIBLE ACTIVITY STATEMENT FOR COMMISSION STAFF
Policy and Procedure No. 87-21

On July 2, 1987, the San Francisco Bay Conservation and Development Commission adopted the following "Statement of Activities Considered Inconsistent, Incompatible, or in conflict with Duties as a Staff Member of the Commission."

The staff of the San Francisco Bay Conservation and Development Commission deals with matters of significant financial and economic importance to private property owners and to governmental agencies in the Bay Area. The Commission insists, therefore, that its staff observe the highest ethical standards and avoid any possibility of conflict of interest between official and private activity.

In accordance with Section 19990 of the Government Code, a member of the Commission's staff shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a State officer or employee.

Activities and enterprises deemed to be inconsistent, incompatible, or in conflict with their duties as state officers or employees of the Commission shall include, but not be limited to, all of the following:

- a. Using the prestige or influence of the state or the appointing authority for the officer's or employee's private gain or advantage or the private gain of another.*
- b. Using the state time, facilities, equipment, or supplies for private gain or advantage.*
- c. Using, or having access to, confidential information available by virtue of state employment for private gain or advantage or providing confidential information to persons to whom issuance of this information has not been authorized.*
- d. Receiving or accepting money or any other consideration from anyone other than the state for the performance of his or her duties as a state officer or employee.*
- e. Performance of an act in other than his or her capacity as a state officer or employee knowing that the act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by the officer or employee.*
- f. Receiving or accepting, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the officer's or employee's appointing authority or whose activities are regulated or controlled by the appointing authority under circumstances from which it reasonably could be substantiated that the gift was intended to influence the officer or employee in his or her official duties or was intended as a reward for any official actions performed by the officer or employee.*
- g. Subject to any other laws, rule, or regulations as pertain thereto, not devoting his or her full time, attention, and efforts to his or her state office or employment during his or her hours of duty as a state officer or employee.*



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ATTACHMENT 3

Ethics Orientation for State Officials

Certificate of Completion

I am aware of and have complied with the requirements for State Agency Ethics Training as provided in California Government Code Sections 11146 through 11146.4 by reviewing the materials enclosed with the BCDC memorandum to all Commissioners and Alternates and by completing the on-line ethics training course established by the Office of the California Attorney's General's Office and the California Fair Political Practices Commission on state agency ethics training.

I completed this training on _____, _____. [Please fill in the month, day, and year that you completed the training. You must have completed the training between June 10, 2012 and June 10, 2014.] My Certificate of Completion for the on-line training course is attached hereto.

You may have completed ethics training for state officials for a different state agency to which you belong. If so, please indicate the name of the agency, the position that you hold with that agency, and the date you completed the training for that agency by filling out the form below. Again, you must have completed the training with the other agency between June 10, 2012 and June 10, 2014.

Name of other agency: _____

Position held with other agency: _____

Date (month, day, year) ethics training completed with other agency: _____

If you took the OAG/FPPC on-line training course under the auspices of another state agency, please attach hereto the Certificate of Completion you completed for that course.

Signature

Typed or printed name

Date of signature



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